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22 PROCESS ON SINCLAIR BRAUN LLP PER L.R. IA 11-1(b)

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26 **UNITED STATES DISTRICT COURT**

27 **DISTRICT OF NEVADA**

28 BANK OF NEW YORK MELLON,

Plaintiff,

vs.

FIDELITY NATIONAL TITLE
INSURANCE COMPANY,

Defendant.

Case No.: 2:20-CV-02124-RFB-BNW

**STIPULATION AND ORDER
GRANTING LEAVE TO AMEND
COMPLAINT AND DENY PENDING
MOTIONS AS MOOT**

COMES NOW defendant Fidelity National Title Insurance Company (“Fidelity”) and plaintiff The Bank of New York Mellon (“BONY”), by and through their respective attorneys of record, which hereby agree and stipulate as follows:

1. On October 18, 2020 BONY filed its complaint in the instant action. (ECF No. 1.);
2. On January 19, 2021 Fidelity filed its motion to dismiss BONY’s complaint. (ECF

No. 10.);

3. On February 16, 2021, BONY filed its opposition to Fidelity's motion to dismiss (ECF No. 13) and also filed a counter motion to certify questions to the Nevada Supreme Court. (ECF No. 14);

4. BONY submitted a proposed amended complaint in conjunction with its opposition to Fidelity's motion to dismiss. (ECF No. 13-11.);

5. BONY and Fidelity have agreed to stipulate to BONY filing its proposed amended complaint as the operative first amended complaint in this action;

IT IS SO STIPULATED that BONY is granted leave to file its proposed amended complaint (ECF No. 13-11) as the operative first amended complaint in this action. Fidelity's motion to dismiss (ECF No. 10) and BONY's counter motion to certify questions to the Nevada Supreme Court (ECF No. 14) are denied as moot, without prejudice to the parties seeking similar relief in conjunction with the first amended complaint.

Dated: March 3, 2021

SINCLAIR BRAUN LLP

By: /s/-Kevin S. Sinclair
KEVIN S. SINCLAIR
Attorneys for Defendant
FIDELITY NATIONAL TITLE INSURANCE
COMPANY

Dated: March 3, 2021

AKERMAN LLP

By: /s/-Jamie K. Combs
JAMIE K. COMBS
Attorneys for Plaintiff
THE BANK OF NEW YORK MELLON

IT IS SO ORDERED.

Dated this 10th day of March, 2021.



RICHARD F. BOULWARE
UNITED STATES DISTRICT JUDGE